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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,598	02/06/2004	Michael James Thomson	50037.212US01	8968
27488 7590 07/27/2007 MERCHANT & GOULD (MICROSOFT) P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			EXAMINER NGUYEN, LE V	
			ART UNIT 2174	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.		Applicant(s)	
	10/773,598		THOMSON ET AL.	
	Examiner		Art Unit	
	Le Nguyen		2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-41 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 22-41 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. This communication is responsive to an amendment filed 5/7/07.
2. Claims 22-41 are pending in this application; and, claims 22, 29 and 36 are independent claims. Claims 1-21 have been cancelled; and claim 22-41 have been newly added. This action is made Final.

Claim Objections

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claim 49 has been renumbered 39.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 36 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Moreover, claim 36 recites the limitation "the display screen" in

lines 16, 19 and 22 of page 5. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 22-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Fabritius.

As per claim 22, Fabritius teaches a computer-implemented method for automatically adjusting a window displayed within a display screen in response to a change in display orientation, the computer-implemented method comprising: providing a display screen having a first orientation, wherein the display screen includes the window (fig. 1b; paragraph [0005]); receiving an indication that the display screen has been changed from the first orientation to a second orientation (fig. 1b; paragraph [0005]; switching between portrait orientation and landscape orientation via key 3); and in response to the indication that the display screen has been changed from the first orientation to the second orientation, determining whether the window fits within the display screen, displaying the window without the scroll bar when the window fits within

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the display screen (fig. 1b; paragraph [0005]; e.g. upper left figure and right of fig. 1b), wherein the window is displayed according to the second orientation, and displaying the window with a scroll bar when the window does not fit within the display screen, wherein the window is displayed according to the second orientation (fig. 1b; paragraph [0005]; e.g. lower left figure).

As per claim 23, Fabritius teaches a computer-implemented method for automatically adjusting a window displayed within a display screen in response to a change in display orientation wherein the display screen is a hardware display screen for mobile computing device, wherein the hardware display screen is movable from the first orientation to the second orientation (fig. 1b; paragraph [0005] and [0008]).

As per claim 24, Fabritius teaches a computer-implemented method for automatically adjusting a window displayed within a display screen in response to a change in display orientation wherein the first orientation is a portrait orientation and the second orientation is a landscape orientation (fig. 1b; paragraph [0005]; switching between portrait orientation and landscape orientation via key 3).

As per claim 25, Fabritius teaches a computer-implemented method for automatically adjusting a window displayed within a display screen in response to a change in display orientation wherein the first orientation is a landscape orientation and the second orientation is a portrait orientation (fig. 1b; paragraph [0005]; switching between portrait orientation and landscape orientation via key 3).

As per claim 26, Fabritius teaches a computer-implemented method for automatically adjusting a window displayed within a display screen in response to a

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change in display orientation wherein displaying the window without the scroll bar when the window fits within the display screen includes removing the scroll bar before being displayed (fig. 1b; paragraph [0005]; displaying the window with the scroll bar removed when the full size of window as well as its width fit).

As per claim 27, Fabritius teaches a computer-implemented method for automatically adjusting a window displayed within a display screen in response to a change in display orientation comprising in response to the indication that the display screen has been changed from the first orientation to the second orientation, determining whether the window requires spatial adjustment to fit within the display screen (fig. 1b; paragraph [0005]).

As per claim 28, Fabritius teaches a computer-implemented method for automatically adjusting a window displayed within a display screen in response to a change in display orientation wherein the spatial adjustment includes at least one member of a group comprising: a size adjustment and a position adjustment (fig. 1b; paragraph [0005]).

As per claim 36, Fabritius teaches a system for automatically adjusting a window comprising a processor, a display for displaying a window on a mobile computing device wherein the display is movable from a first orientation to a second orientation (fig. 1b; paragraph [0005] and [0008]) and a memory having computer executable instructions stored thereon wherein the computer executable instructions are configured to: receive an indication that the display has been moved from the first orientation to the second orientation (fig. 1b; paragraph [0005] and [0008]), in response to receiving the indication

that the display has been changed from the first orientation to the second orientation, make a first determination of whether the window fits within the display, spatially adjust the window when the first determination indicates that the window does not fit within the display (fig. 1b; paragraph [0005]; by resizing and/or adding a scroll bar), display the window without spatially adjusting the window when the first determination indicates that the window fits within the display (fig. 1b; paragraph [0005]; e.g. when the window fits, re-sizing is determined not necessary as displayed to the right of fig. 1b), make a second determination of whether the window fits within the display screen after spatially adjusting the window when the first determination indicates that the window does not fit within the display screen (fig. 1b; paragraph [0005]; after a window is adjusted (e.g. its height), another determination is made whether to add a scroll bar for viewing hidden areas), display the window without a scroll bar when the window fits within the display after being spatially adjusted when the first determination indicates that the window does not fit within the display screen (fig. 1b; paragraph [0005]; e.g. upper left figure), and display the window with a scroll bar when the window does not fit within the display after being spatially adjusted when the first determination indicates that the window does not fit within the display screen (fig. 1b; paragraph [0005]; e.g. lower left figure).

As per claim 37, Fabritius teaches a system for automatically adjusting a window comprising a processor and a display for displaying a window on a mobile computing device wherein the first orientation is a portrait orientation and the second orientation is a landscape orientation (fig. 1b; paragraph [0005]; switching between portrait orientation and landscape orientation via key 3).

As per claim 38, Fabritius teaches a system for automatically adjusting a window comprising a processor and a display for displaying a window on a mobile computing device wherein the first orientation is a landscape orientation and the second orientation is a portrait orientation (fig. 1b; paragraph [0005]; switching between portrait orientation and landscape orientation via key 3).

As per claim 39, Fabritius teaches a system for automatically adjusting a window comprising a processor and a display for displaying a window on a mobile computing device wherein displaying the window without the scroll bar when the window fits within the display screen includes removing the scroll bar before being displayed (fig. 1b; paragraph [0005]; displaying the window with the scroll bar removed when the full size of window as well as its width fit).

As per claim 40, Fabritius teaches a system for automatically adjusting a window comprising a processor and a display for displaying a window on a mobile computing device wherein the spatial adjustment includes a size (fig. 1b; paragraph [0005]).

As per claim 41, Fabritius teaches a system for automatically adjusting a window comprising a processor and a display for displaying a window on a mobile computing device wherein the spatial adjustment includes a position (fig. 1b; paragraph [0005]).

Claims 29 and 30 in combination are similar in scope to claim 36 and are therefore rejected under similar rationale.

Claim 31 is similar in scope to claim 37 and is therefore rejected under similar rationale.

Claim 32 is similar in scope to claim 38 and is therefore rejected under similar rationale.

Claim 33 is similar in scope to claim 39 and is therefore rejected under similar rationale.

Claim 34 is similar in scope to claim 40 and is therefore rejected under similar rationale.

Claim 35 is similar in scope to claim 41 and is therefore rejected under similar rationale.

Response to Arguments

8. Applicant's arguments with respect to claims 22-41 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kennedy et al. (US 7,085,590 B2) teach a mobile terminal with ergonomic imaging functions.

Hamon (US 2005/0179653 A1) teaches displaying windows such as Internet browsers from a landscape to a portrait mode and back to a landscape orientation and provides for scroll bars as well as size and ratio adjustments.

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10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Inquires

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Lê Nguyen whose telephone number is **(571) 272-4068**. The examiner can normally be reached on Monday - Friday from 7:00 am to 3:30 pm (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at (571) 272-4063.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lvn
Patent Examiner
July 19, 2007

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